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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,410	09/10/2003	Gus E. Krause	TA-00709	4644
7:	590 12/15/2005		EXAM	INER
James E. Bradley			ADDISU, SARA	
BRACEWELL	& PATTERSON, L.L.P.			
P.O. Box 61389			ART UNIT	PAPER NUMBER
Houston, TX 77208-1389			3722	
		DATE MAILED, 19/15/005		

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Sp				
	Application No.	Applicant(s)				
	10/659,410	KRAUSE ET AL.				
Office Action Summary	Examiner	Art Unit				
	Sara Addisu	3722				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 10 September 2003.						
a) This action is FINAL . 2b) This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4) Claim(s) <u>1-27</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-27</u> are subject to restriction and/or	election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) ☐ The oath or declaration is objected to by the Ex	kaminer. Note the attached Office	e Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreigna) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).				
1. Certified copies of the priority document	ts have been received.					
2. Certified copies of the priority document	ts have been received in Applicat	ion No				
Copies of the certified copies of the prior	rity documents have been receiv	ed in this National Stage				
application from the International Burea						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05)

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date _

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

4) Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

6) Other: _____

5) Notice of Informal Patent Application (PTO-152)

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-22, drawn to: A drill, classified in class 408, subclass 130.
- Claims 23-27, drawn to: Method of drilling a hole , classified in class 408, subclass 1.00R.
- 1. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). For Example the process of drilling a hole in a workpiece does not require the drill to have the structure of a tubular inner and outer housing, pneumatic motor assembly having a chuck and an annular pneumatic cylinder/ feed piston.
 - 2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. There is an excessive burden on the office to examine all of these inventions together, as shown by their search. See MPEP (808.02(C). For example, the device of Group I will need to be searched in class 408, subclass 130, along with a unique text search. Group II would not be searched as above, but would instead be searched in class 408, subclass 1.00R accompanied by a different text search.

4. The Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu (571)272-6082

> SA 12/9/05

BOYER D. ASHLEY PRIMARY EXAMINER